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C O N F I D E N T I A L LJUBLJANA 000197

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DEPT FOR PM/DTCP ANN GANZER, PM/RSAT KRISTIN DOWLEY,
ISN/CATR BILL MALZAHN, EUR/ERA NATHANIEL DEAN

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SUBJECT: SLOVENIAN PRESIDENCY NOT SOFTENING POSITION ON
CHINESE ARMS EMBARGO

REF: STATE 043851

Classified By: CDA Grace Shelton for reasons 1.4 (b,d)

¶1. (C) On April 28, Emboff met with MFA Asia, Africa, and Pacific Division Minister Plenipotentiary Jasna Lhotka and Third Secretary Matjaz Marko to deliver reftel points noting the softer language on the Chinese arms embargo in the EU-Japan Summit Joint Statement, and expressing our belief that the maintenance and strict enforcement of the embargo is in the best interest of the trans-Atlantic community. Marko stated that the EU had not wanted any mention of the Chinese arms embargo in the statement and that, in fact, the EU Political and Security Committee had given the working group a mandate that the arms embargo should not be mentioned at all. Marko added that the reason the EU did not want to include the embargo against China was that "the EU did not want to discuss problematic third countries with partners," and that the problems in negotiating a statement arose when Japan wanted to make a bilateral statement about the Chinese embargo instead of a unilateral statement.

¶2. (C) Lhotka explained that the EU wanted Japan to issue a unilateral statement on the Chinese arms embargo, but because Japan wanted a bilateral statement they had to compromise on the language used. Lhotka stressed that the USG should not consider the Slovenian Presidency or the EU as withdrawing from its position on the arms embargo against China, but should see the statement as representing a compromise with Japan. With regard to future EU Presidency positions on the Chinese arms embargo, Lhotka noted that, in the past, French President Sarkozy had given indirect signals to China of possibly lifting the embargo. Lhotka opined, however, that the human rights situation would have to improve a great deal to make that position politically feasible. Lhotka explained that China had taken some positive steps on human rights in the area of social justice, health, and workers rights. She stressed, however, that when taking the overall picture of human rights into account - including Chinese missiles aimed at Taiwan, the limits of free expression, and the current situation in Tibet - it would be inappropriate for the EU to even discuss lifting the embargo.

¶3. (C) Lhotka also noted that the Code of Conduct on arms sales is still not in effect in the EU, making it impossible to talk about a link between the Code and the embargo against China. In any case, she added, some Member States did not want a direct link between the Code of Conduct and the embargo. Lhotka suggested that one potential benefit from having the Code of Conduct govern arms licensing would be to provide a new mechanism for regulating arms sales and, thereby avoid Chinese criticism that the arms embargo is a

"relic of the Cold War."
SHELTON